IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.828 of 2007

Vinodkumar Lalman Maurya and Ors.. Appellants

V/s

Brihanmumbai Municipal Corporation..Respondents

Mr.R.K.Aggrawal i/b M.P.Vashi and Associates for Appellants

Ms Geeta Joglekar for Respondent no.1 BMC

Mr.A.S.Khandeparkar with D.Brijesh i/b Khandeparkar and Assc. for Respondent nos. 5 and 6

CORAM:S.R.SATHE,J.

DATED:23rd Oct. 2007

P.C.:-

1. Heard both the learned Advocates.

2. As ad-interim relief was rejected by the trial court, the plaintiff has filed the present appeal. Admittedly, after rejection of the said order the defendant has in fact acted upon the notice issued to the plaintiff. The learned Advocate for the plaintiff conceded that at the time when ad-interim relief was sought valid existing licence was not on record. When

such is the position the plaintiff must blame himself for the same. According to plaintiff now he has received valid license as of today. Then in that even he may produce the same before the trial Court and move the trial Court for hearing the Notice of Motion. The parties to appear before the trial Court on 31-10-2007 and Notice of Motion be disposed of in any event by the end of November 2007.

3. A.O. disposed of accordingly.

4. Parties to act on authenticated copy of this order.

(S.R.SATHE,J)